

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

CINQUE TERRE FINANCIAL GROUP LIMITED,

Chapter 15

Case No. 16-11086(JLG)

A Debtor in a Foreign Proceeding.

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**NON-PARTY RICHARD ROTHENBERG'S DESIGNATION OF RECORD AND
STATEMENT OF ISSUES PRESENTED ON APPEAL**

Appellant Non-Party Richard Rothenberg by and through his undersigned counsel, hereby designates the record on appeal and states the issues presented on appeal to the United States District Court for the Southern District of New York pursuant to Fed. R. Bankr. P. 8009 with respect to the Court's Order entered on June 3, 2016 (Dkt. # 73). Rothenberg's Notice of Appeal was docketed on June 8, 2016 (Dkt. # 85).

Statement of Issues Presented on Appeal

(1) Did the Bankruptcy Court abuse its discretion in finding that Richard Rothenberg continued to act as an employee of the Debtor despite the Debtor repeatedly indicating that he was a former employee in Court submissions?

(2) Did the Bankruptcy Court make an error of law by allowing a subpoena and an order served on Rothenberg in his personal capacity to be treated as if they had been served on him as a custodian of records only?

(3) Did the Bankruptcy Court make an error of law by materially modifying the above-described subpoena and order served on Rothenberg to make them applicable to him solely as a custodian of records *nunc pro tunc*, rather than requiring a new subpoena be served on Rothenberg?

Designation of Items to be Included in the Record on Appeal

Record Number	Date Filed	Docket Number	Title
1.			Docket for In re: Cinque Terre Financial Group Limited No 16-11086-jlg
2.	4/27/2016	6	Application for Ex Parte Relief for Temporary Restraining Order
3.	4/29/2016	9	Order signed on 4/29/2016 in part for Ex

			Parte Temporary Relief
4.	5/10/2016	33	Memorandum of Law List of Authorities on Imaging Hard Drive
5.	5/10/2016	35	Motion to Quash Subpoena and Vacate, in part, prior Order (3 documents)
6.	5/10/2016	37	Declaration of Andrew St. Laurent
7.	5/17/2016	46	Opposition to Richard Rothenberg's Motion to Vacate in Part, This Court's April 29, 2016 Order and to Quash the May 2, 2016 Subpoena Issued Thereunder
8.	5/17/2016	47	Order signed on 5/16/2016...(B) Setting Briefing Schedule on non-party's Motion to Vacate Order and to Quash Subpoena
9.	5/18/2016	49	Reply to Motion
10.			Transcript of May 20, 2016 Hearing (Ordered from Elisa Dreier Reporting Company)
11.			Exhibits Offered by Liquidator at May 20, 2016 Hearing
12.			Transcript of May 24, 2016 Hearing (Ordered from Elisa Dreier Reporting Company)
13.	5/24/2016	68	Memorandum Decision
14.	6/3/2016	73	Order signed on 6/3/2016
15.	6/8/2016	85	Notice of Appeal

Dated: June 22, 2016
New York, New York

/s/_____

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